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RUEHFR/AMEMBASSY PARIS PRIORITY 2820
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
RHMFISS/CJTF HOA PRIORITY
RHMFISS/CDR USAFRICOM STUTTGART GE PRIORITY
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S E C R E T SECTION 01 OF 02 NAIROBI 002290

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SUBJECT: WHITHER M/V FAINA'S TANKS?

REF: A. USDLO KHARTOUM IIR 6 890 0139 08 201536Z FEB 08
[1](#)B. USDAO NAIROBI IIR 6 854 0108 08 291553Z JAN 08
[1](#)C. USDAO NAIROBI IIR 6 854 0026 08 091427Z NOV 07

Classified By: PolOff Rachael Doherty, reasons 1.4 (b,d).

Summary

[1](#)1. (S-NF) A shipment of 33 Ukrainian T-72 tanks and other ammunition and equipment aboard the M/V Faina, currently under the control of pirates off the coast of Somalia, has raised questions and controversy in Kenya about their final destination. It is a poorly kept secret that the tanks are bound for the Government of South Sudan -- and that the Government of Kenya has been facilitating shipments from Ukraine to the Government of South Sudan since 2007. Since the world's eyes are now on the M/V Faina, it is unlikely that the tanks, if released, would go immediately to their intended destination. Instead, they are likely to sit in a Kenyan military depot until the world's attention shifts elsewhere. In the meantime, the Kenyan military is in an uncomfortable spot. End Summary.

Kenya Claims T-72s...

[1](#)2. (C) The hijacking of the Ukrainian-owned, Belize-flagged merchant vessel (M/V) Faina -- and subsequent confirmation by the government of Ukraine that there are 33 T-72 tanks and other ammunition and equipment onboard -- has raised questions about the cargo's ultimate destination. In a move likely aimed at stemming controversy, the Government of Kenya has claimed that the ultimate destination for the shipment is the Kenyan Armed Forces. It is a poorly-kept secret, however, that the shipment was originally bound for South Sudan.

[1](#)3. (S-NF) The contradictions have already been highlighted in the press. Kenyan Government spokesman Alfred Mutua and Kenyan Defense spokesman Bogita Ongeru have both insisted that the tanks belong to Kenya. East Africa Seafarers' Assistance Program spokesman Andrew Mwangura told a different story: that the shipment ultimately was bound for the Government of South Sudan. (Note: Intelligence reporting (refs A-C) confirms Mwangura's story -- not the official GOK stance. After reporting that he was warned by Kenyan government officials to stop talking about the shipment, Mwangura was arrested on October 1. End Note.)

[1](#)4. (C) MFA Director of Political Affairs Ambassador Ben Ogutu

maintained the party line to PolOff on September 30, but expressed relief that the Ministry of Defense has the lead on the issue. "e are just repeating the information that the Ministry has provided to us," Ogutu said. (Note: Ogutu also expressed great interest in what U.S. officials in Washington would say about the arms' ultimate destination. End Note.)

...Although They Were Juba-Bound

15. (S-NF) Since last year, Kenya's Ministry of Defense has indeed played a major role in assisting the Government of South Sudan receive arms shipments from the Government of Ukraine. When the shipments are off-loaded at the port of Mombasa, they are transported via rail to Uganda and then onward to Southern Sudan (ref C). Military officials have expressed discomfort with this arrangement, however, and have made it clear to us that the orders come "from the top." (i.e., President Kibaki)

16. (S-NF) Given the extensive local and international media attention, it is unlikely that the shipment will go directly to Sudan should the cargo be offloaded in Mombasa as originally planned. A high-level military official has indicated to us that if received, the cargo will be offloaded and delivered to a military depot in Kenya, where it will likely sit for a few months before risking the overland shipment to Sudan.

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Not the First Time

17. (S-NF) This is not the first time a T-72 shipment to South Sudan has been publicly diverted. In mid-February, the Government of Kenya was reported as "seizing" a shipment of tanks bound for the Sudan People's Liberation Army as it violated the 2003 Comprehensive Peace Agreement to end Sudan's civil war. The "seizure" occurred when Kenya's own security situation was still precarious given the post-election crisis. The tanks were ultimately released and proceeded to Sudan, and the cargo currently aboard the M/V Faina was meant to complete the tank sale. (Note: Although there is no arms embargo against Southern Sudan, the CPA does say that the parties "agree in principle to proportional downsizing of the forces on both sides" following the cease fire. The CPA permits the resupply of lethal military items on approval by the Joint Defense Board and UN mission. End Note.)

18. (C) Comment: While Kenya does see itself as a guarantor of the 2003 Comprehensive Peace Agreement, which was signed in Nairobi, the highest levels of government have nevertheless allowed previous arms shipments to proceed. Kenya's political leadership has thereby put the Kenyan military in a in an uncomfortable spot. Some Kenyan military officials have been questioning whether Kenya should be facilitating arms deliveries since well before the M/V Faina made headlines.

19. (C) Comment, cont: While no one is talking about why Kenya is in this position, we can think of a few reasons. First, it is possible that Kenya's political leadership wants to support the Government of South Sudan but not in a way that will openly provoke Khartoum or potentially threaten South Sudan's eventual independence. Vice President Musyoka's public opposition to the International Criminal Court's indictment of President Bashir (because it could threaten the CPA) illustrates this point. Second, the government appears genuinely sensitive to charges that major arms shipments would be in violation of the spirit of the CPA. Third, given Kenya's track record on corruption, it is always possible that there is a financial benefit for a senior Kenyan

official (or two, or more) in return for facilitating the arms shipments. As such, the question of "Who owns the tanks?" will remain a touchy side issue for Kenya in the piracy of the M/V Faina.
RANNEBERGER